

**APPLICATION I-002063\***  
**INFORMATION**

**Murray Sand Company, Inc.**  
**White Mine**  
**Charleston County**

- 1) Application
- 2) Reclamation Plan
- 3) OCRM Certification Form - Policy Group III - Coastal Industries
- 4) ACOE Wetland Determination - Segment 1
- 5) Town of Awendaw Zoning Approval

*\* Information included is provided by the applicant; details may change with the public notice/technical review process. No decision has been made on this application.*


**Mining  
Form  
MR-400**

S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
BUREAU OF LAND AND WASTE MANAGEMENT  
DIVISION OF MINING AND SOLID WASTE PERMITTING  
2600 Bull Street, Columbia, SC 29201  
Telephone Number: (803) 896-4261 Fax Number: (803) 896-4001

**APPLICATION FOR A MINE OPERATING PERMIT**
**DHEC FORM MR-400 DATE VERSION ADOPTED 7/1/94**

\*\*\*\*\*  
"The South Carolina Mining Act," Sections 48-20-10 through 48-20-310, Code of Laws of South Carolina, 1976, as amended provides in part: "No operator may engage in mining without having first obtained from the Department an operating permit which covers the affected land and which has not been terminated, been revoked, suspended for the period in question, or otherwise become invalidated." (Section 48-20-60)  
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**I. APPLICANT INFORMATION**

1. Name of Company: Murray Sand Company Inc.

Check form of business entity: ☒ Corporation ☐ Partnership  
☐ Limited Partnership ☐ Sole Proprietorship

2. Name of Proposed Mine: White Mine County: Charleston

3. Home Office Address: 156 Checkerboard Road 843-873-0416  
(Street and P.O. Box) (Telephone No.)  
Summerville SC 29483  
(City) (State) (Zip Code) (Fax No.)

4. Local Office Address: 156 Checkerboard Road 843-696-3384  
(Street and P.O. Box) (Telephone No.)  
Summerville SC 29483  
(City) (State) (Zip Code) (Fax No.)

5. Designate to which office Official Mail is to be sent (check one):

☒ Home Office ☐ Local Office

6. Name of company personnel and their title to be the contact for official business and correspondence:

Laddie Smith, Murray Sand Company Inc, Mine Operator

7. Location of Mine: S-10-1170-Bulls Island Road Awendaw  
(State or County Hwy No.) (Nearest Town or City)

8. Locate accurately on a county map, USGS 7.5' Topographic Map, or draw a detailed map to scale of: (1) how to get to your local office and (2) how to get to the mine (attach to this application).

9. If land is leased, complete the following:

A. Name of landowner: Lewis & Amy White Family Limited Partnership; c/o Rick White

Landowner's Address: 6075 Mossey Grove Lane Awendaw  
(Street and PO Box) (City)  
SC 29429  
(State) (Zip Code) (Telephone Number)

B. Date lease became effective: 11/13/2013

Date of lease termination: 11/13/2016; extendable on a yearly basis with updated contract.

Name of lessee: Murray Sand Company

## II. GENERAL CHARACTERISTICS OF MINE:

1. Material(s) to be mined: Dirt and sand

2. Mining Method:

A. List equipment to be used for mining and provide a brief description as to how the mine will be operated.

Equipment: Trackhoe, bull dozer and front-end loader

Method: Overburden will be stripped from the surface and will be relocated on site to be used for reclamation practices.

Sand and top soil will be removed using a trackhoe or loader.

B. Will there be a process plant located at the mine site within the boundary of the permitted area?

     Yes   X   No If no, please provide a brief description of the plant equipment and function of the plant.

The site will be excavated and hauled as necessary. No plant site is anticipated.

3. Do you anticipate blasting as part of the mining operation?      Yes   X   No If yes, provide the distance to the nearest inhabited structure not owned or leased by the applicant. Also, provide as an attachment to this application the names and addresses of all the owners of all structures within one-half mile from the nearest point of blasting during the life of the proposed mine. How will flyrock be prevented from being projected from the permitted area?

4. Has this site been mined in the past? If so, please indicate the present condition of the land.

The site has not been mined in the past; however, there is an adjacent 5-acre mined pond.

The timber has been cut in the mine site area of Phase 1 in preparation for mining to commence.

5. What is the expected maximum depth of this mine? Provide any additional information about the final depth of the mine that would be useful to the Department. (Example: Final depth of pit will be level to adjacent road, elevation above Mean Sea Level (MSL)).

Current elevation 20ft MSL

Overburden -1ft

Maximum depth of sand/fill -20ft

Final minimum elevation of site -1ft MSL

### III. DETERMINATION OF PERMITTED ACREAGE, AFFECTED ACREAGE AND RECLAMATION BOND

1. Total acres for which permit is being requested:

\_\_\_\_\_ Permitted acres owned by the operator

208 Permitted acres leased by the operator

Note: Permitted acreage should include the following: 1) acres of land to be affected (excavation, processing plant, stockpiles, etc.); 2) future area(s) to be mined and 3) land to be used for buffer zones around the affected land. The permitted area should be the property described in the LAND ENTRY AGREEMENT(S) (FORMS MR-600 OR MR-700).

2. Total affected acreage:	Acres
A) Area used for sediment control ponds	<u>0.25</u>
B) Area used for stockpiles of unprocessed minerals	<u>0</u>
C) Area used for spoil (overburden) banks, topsoil and disposal refuse (exclusive of tailings impoundments)	<u>0.20</u>
D) Areas used for on-site processing facilities and stockpiles of processed minerals	<u>0</u>
E) Areas used for tailings pond (waste material from mineral processing)	<u>0</u>
F) Area for access or haul roads	<u>0.19</u>
G) Area for excavation during the period of this permit	
OR	
If mining and reclamation are to be done in segments, state the size of each segment (acres) _____. Multiply the size of the segments by 3 and enter the resulting number. _____>	<u>7.26</u>
H) TOTAL OF 2A THROUGH 2G	<u>7.9</u>

3. Check acreage to be bonded: total affected acreage calculated from Section 2.

\* 0.00 - 9.99 acres (bond amount - \$10,000)

10.00 - 14.99 acres (bond amount - \$15,000)

15.00 - 24.99 acres (bond amount - \$25,000)

25.00 + acres (bond amount - \$25,000 or greater)

Applicant may submit a reclamation cost estimate for mines that will affect greater than 25 acres. Estimate should be based upon requirements in Regulation 89-200 B.

4. Will this operation be covered by a blanket bond? \_\_\_\_ Yes X No If yes, please list your company's other permitted mining operations in South Carolina giving mine names, permit numbers and state the present reclamation bond amount on file with this Department.

5. Number of years for which this permit is requested. The requested number of years the permit is requested should coincide with the Schedule of Reclamation as proposed by the applicant in the RECLAMATION PLAN, (Form MR-500). 3 years

#### IV. PROTECTION OF NATURAL RESOURCES

1. Will there be a waste water treatment system at your mine site? ☐ Yes ☒ No
2. Will there be a point source discharge from your plant or mine requiring an NPDES Permit? ☒ Yes ☐ No  
If yes, provide information as to how stormwater and groundwater will be managed?  
The mine will be dewatered as needed. Water will flow into a sediment pond and exit the property via pumping.
3. Will there be air contaminant emissions from your plant or mine requiring an Air Quality Permit? ☐ Yes ☒ No
4. Do you anticipate pumping of groundwater? ☒ Yes ☐ No If yes, describe.  
The mine will be dewatered as needed. Water will flow into a sediment pond and exit the property via pumping.
5. Will jurisdictional wetlands be affected, filled or altered in any fashion that will require a Section 404 Dredge and Fill Permit? ☐ Yes ☒ No A wetland delineation was performed and the verification letter from the Corps is attached.
6. Are there any known cultural or historic sites located within the proposed area to be permitted? ☐ Yes ☒ No
7. Will any part of the permitted area be used as a solid waste describe how waste, trash, scrap metal material, garbage will be handled. ☐ Yes ☒ No  
No trash is to be expected, so trash removal will not be necessary

8. Describe the wildlife or freshwater, estuarine or marine fisheries in the area of the mining operation. Also provide information about any ponds and/or streams that may be located in the proposed permitted area.  
Wildlife in the area are typical of indigenous species inhabiting rural mixed use lands, e.g. deer, turkey, squirrel, etc. No protected species were identified within or near the boundaries of the proposed mine area. There are no ponds or streams located within the proposed mine site. There are jurisdictional freshwater wetlands adjacent to the site that will be protected by leaving a setback between the mine site and any wetland areas. Stormwater will be collected in the sediment pond and will be discharged from the site, after settling via pumping and will temporarily be collected in a nearby wetland. The landowner will use the reclaimed mine site as a pond. In the area identified as future reserves, a new wetland delineation, verified by the Corps of Engineers, will be conducted prior to any proposed mining activity.

9. State the land cover and land uses on the permitted land area and contiguous tracts of land to the permitted land area.  
The proposed permitted land area was previously in a mixed pine and hardwood forest. Trees have currently been cleared and no observable vegetation remains in the area proposed for mining in this permit. The land adjacent to the proposed permitted area, including that in future reserves, is mixed forest. Nearby off site areas are limited rural residential areas and other rural, forested, and agriculture lands.

10. Describe measures to be taken to insure against (1) substantial deposits of sediment in neighboring streams, rivers lakes or ponds; (2) landslides; (3) acid water formation and discharge. Attach any supporting documents (engineering designs, calculations, sediment & erosion control plan, setbacks, geotechnical information, acid prediction test etc.) to this application.
1. The sediment pond will be used to prevent deposits into neighboring streams or water systems.
  2. Reclamation of mine slopes will begin as soon as possible. A 3:1 slope will be established as the mine progresses to eliminate the risk of landslides in those areas. Also, a mix of grasses will be planted along the mine banks to prevent runoff and erosion. This has proven to be an effective method in to address the risk of landslide within the mine area.
  3. Acid water formation is typically not a problem in similar open pit mines

## V. SAFETY

1. Describe methods to be used during the time the mine operating permit is active to prevent physical hazards to persons and to any neighboring dwelling, house, school, church, hospital, commercial or industrial building or public road. If applicable, provide the zoning designation for the property to permitted.

The permitted site has no immediate neighboring dwellings, schools, churches, hospitals, commercial or industrial buildings. The permitted site is bounded by forest lands on all sides. There are residential units and other rural lands adjacent to the overall property. To restrict access the property will be gated and the gate will be maintained during and after the mining activity. No trespassing signs will be visible along the property boundary and the gate will be locked. The property to be permitted is currently zoned as agricultural lands. The landowner has received written authorization from the Town of Awendaw Board of Zoning Appeals approving the proposed mining activity on this property with its land use designation.

2. Describe methods to be used to prevent an adverse effect on the purposes of a publicly-owned park, publicly-owned forest, or publicly-owned recreation area. If any of these facilities are within one (1) mile of the proposed affected property, please locate on mine location map and the submitted U.S.G.S topographic map for this application.

The property shares a boundary with the Francis Marion National Forest. The proposed mine expansion does not border any other property boundary with the National Forest, or any other public parks or recreation areas. A 50' buffer will be established between the mine site and any adjacent properties or public roadways.

3. Describe measures to be taken for screening the operation from view from public highways, public parks or residential areas.

The proposed mine site will be approximately 50' from the property boundary, where it borders Bulls Island Road. An undisturbed vegetative buffer will be maintained to minimize the visual impact of the mine from the road. The nearest residence is over 1000' from the mine. Additionally, Bulls Island Road is a lightly travelled roadway.

## VI. MINE MAP

1. Provide the U.S.G.S. topographic map(s) that contains the proposed mine site. The proposed permitted area should be outlined on this submitted topographic map.
2. Attach two (2) copies of a map of the site (referred to as the MINE MAP) that shows the following:
  - A. Outline of the area to be affected by mining during the number of years for which the permit is requested. See Section III, Question 1 on page 3 of this application form.
  - B. Outline of the permitted area that shows the buffers zones, future mine areas and areas to be affected by mining.
  - C. Outline of the planned pits or excavations for which your company has detailed plans. If your company has reason to believe that additional land may be mined in the future within the permitted area but is not feasible to show as planned excavations; indicate these areas as FUTURE RESERVES on this site map.
  - D. Outline of areas for the storage of naturally occurring soil that will be suitable for the establishment of vegetation in final reclamation.
  - E. Outline of planned areas for disposal of refuse, exclusive of tailings ponds.
  - F. Outline of planned spoil, overburden or other similar waste material disposal areas.
  - G. Locations of planned access and haul roads on the area to be affected.

H. Outline of planned tailings ponds.

I. Locations of sediment control pond(s) and other sediment control structures within the affected area. Outline of areas on which temporary or permanent vegetation will be established to control erosion during the mine operation.

J. Location and name (if appropriate) of streams, lakes, wetlands and existing drainage ditches within the area to be permitted. Use arrows to indicate direction of water flow in such streams and drainage ditches.

K. Boundary for the 100 year floodplain, where appropriate.

L. Outline of areas for stockpiles of unprocessed minerals.

M. Outline of area of previously mined land that will not be affected.

N. Outline of the area to be occupied by processing facilities including stockpiles of processed minerals if such facilities are to be an integral on-site part of the mining operation.

O. Show location of the two permanent survey control points.

P. A legend showing the name of applicant, name of the proposed mine, north arrow, county, scale, date of preparation and name and title of person who prepared the site map.

THE REQUIRED SITE MAP SHALL HAVE A NEAT, LEGIBLE APPEARANCE AND BE OF SUFFICIENT SCALE TO CLEARLY SHOW THE REQUIRED INFORMATION LISTED ABOVE. THE BASE FOR THE MAP SHALL BE EITHER A SPECIALLY PREPARED LINE DRAWING, AERIAL PHOTOGRAPH, ENLARGED USGS TOPOGRAPHIC MAP OR A RECENTLY PREPARED PLAT.

3. Provide the most recent county tax map that shows all contiguous land owners of the permitted mine site. Provide name and addresses of all land owners contiguous to the proposed permitted mine site.
4. Provide letter from an attorney attesting to (1) the ownership of the property, (2) ownership of the mineral rights and (3) that the applicant has the legal right to mine the proposed mineral resource on the property as described in this application.

We hereby certify that all information and details contained hereinabove, within any supporting documents and on the map are true and correct to the best of our knowledge. We fully understand that any willful misrepresentation of facts will be cause for permit revocation.

The applicant acknowledges that Section 48-20-130, Code of Laws of South Carolina, provides in part:

*"Upon receipt of the operator's annual report or report of completion of reclamation and at any other reasonable time the department may elect, the department shall inspect the permit area to determine if the operator has complied with the reclamation plan, the requirements of this chapter, regulations promulgated by its authority, and the terms and conditions of this permit. Accredited representatives of the department at all reasonable times may enter upon the land subject to the certificate of exploration or operating permit for the purpose of making the inspection."*

Henry L. P. Smith Jr.  
Signature of Applicant/Operator or his Authorized Representative

HENRY L. P. Smith JR.  
Printed Name of Applicant/Operator or his Authorized Representative

President  
Title

11/25/14  
Date

**Department Use Only**

Application No.: \_\_\_\_\_ Date Application Approved: \_\_\_\_\_ Date Bond Rec'd: \_\_\_\_\_

Bond Amount: \_\_\_\_\_ Blanket or Single Bond Permit Issuance Date: \_\_\_\_\_

**ACTION TAKEN ON THIS APPLICATION**

\_\_\_\_\_ Approved \_\_\_\_\_ Denied \_\_\_\_\_ Approve with additional Terms and Conditions

By: \_\_\_\_\_  
DIVISION DIRECTOR

Date: \_\_\_\_\_




**Mining  
Form  
MR-500**

**S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
**BUREAU OF LAND AND WASTE MANAGEMENT**  
**DIVISION OF MINING AND SOLID WASTE PERMITTING**  
 2600 Bull Street, Columbia, SC 29201  
 Telephone Number: (803) 896-4261 Fax Number: (803) 896-4001

**RECLAMATION PLAN**
**DHEC FORM 500 DATE VERSION ADOPTED 7/1/94**

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 As required in Section 48-20-90 of the South Carolina Mining Act, "An operator shall submit with his application for an operating permit a proposed reclamation plan. The reclamation plan for an operating permit only must be furnished to the local soil and water conservation district in which the mining operation is to be conducted. The plan must include as a minimum each of the elements specified in the definition of 'reclamation plan' in Section 48-20-40 and information required by the department. The reclamation plan must provide that reclamation activities, particularly those relating to control of erosion, to the extent feasible, must be conducted simultaneously with mining operations and be initiated at the earliest practicable time after completion or termination of mining on a segment of the permitted land. The plan must provide that reclamation activities must be completed within two years after completion or termination of mining on each segment of the area for which an operation permit is requested unless a longer period specifically is permitted by the department."  
 \*\*\*\*\*

**I. APPLICANT INFORMATION**

1. Name of Company: Murray Sand Company Inc
2. Name of Proposed Mine: White Mine County: Charleston
3. Home Office Address: 156 Checkerboard Road 843-873-0416  
(Street and P.O. Box) (Telephone No.)  
Summerville SC 29483  
(City) (State) (Zip Code) (Fax No.)
4. Local Office Address: 156 Checkerboard Road 843-696-3384  
(Street and P.O. Box) (Telephone No.)  
Summerville SC 29483  
(City) (State) (Zip Code) (Fax No.)
5. Name of company personnel and their title to be the contact for official business and correspondence: Laddie Smith, Mine Operator
6. Location of Mine: S-10-1170 Bulls Island Road Awendaw  
State or County Hwy No. Nearest Town or City

**II. ENVIRONMENTAL PROTECTION**

1. Describe practices to protect adjacent resources such as roads, wildlife areas, woodland, cropland and others during mining and reclamation.  
 There are no croplands on or adjacent to the site. Bulls Island Road will be protected by maintaining a 50' wide buffer between the mine site and the property boundary, where it borders the road. A 50' buffer will be maintained between the mine site and adjacent properties. Existing access roads will be used for site ingress and egress. Additionally buffers will be maintained around the proposed mine site to protect any adjacent wetlands, adjacent woodlands and wildlife areas. A new wetland delineation and verification, to be verified by the Corps of Engineers, will be completed before any further mining activity commences.
2. Describe proposed methods to limit significant adverse effects on adjacent surface water and groundwater resources.  
 No significant adverse effects on adjacent surface water is anticipated. All runoff from the mine activity will be returned initially to the mine. Any storm water/ ground water will be removed from the mine and transferred to a sedimentation pond for holding and settling. From the sedimentation pond the water will be pumped to a ditch and drain to nearby wetlands for additional holding and settling. From the wetlands, water will move gradually toward Sewee Bay. We anticipate no adverse impacts on adjacent surface water or groundwater.
3. Describe proposed methods to limit significant adverse effects on known significant cultural or historic sites within the proposed permitted area.  
 Archsite on SHPO's website lists no known significant archaeological sites within the project limits. Should cultural resources be found during mining activity, mining activities will cease until further investigation is complete.

4. Describe method to prevent or eliminate conditions that could be hazardous to animal or fish life in or adjacent to the permitted area.

It is anticipated that no conditions that could be hazardous to animal or fish life will develop as a result of the mining activity. It has been our experience that fish and wildlife flourish in and around this type of mine site. Current and recent mine sites in this area host several species of fish and wildlife. It is expected that this site, as other sites have, will provide foraging habitat for bald eagles, waterfowl, amphibians, and reptiles.

5. Describe how applicant will comply with State air quality and water quality standards as established by the S.C. Department of Health and Environmental Control.

Airborne dust is the only air quality control problem that may be associated with the proposed site. To alleviate this potential problem access roads will be watered down during dry periods to settle sand and dirt. These conditions will be monitored and treated as needed.

### III. RECLAMATION OF AFFECTED AREA

6. State useful purpose(s) the affected land is being proposed for reclamation. More than one purpose may be checked, but information should be submitted to support the feasibility for each proposed purpose.

- |   |  |
|---|--|
| a. Lake or pond <input checked="" type="checkbox"/> | f. Grassland <input type="checkbox"/>  |
| b. Agriculture <input type="checkbox"/>             | g. Recreation <input type="checkbox"/> |
| c. Woodlands <input type="checkbox"/>               | h. Wetlands <input type="checkbox"/>   |
| d. Residential <input type="checkbox"/>             | i. Park <input type="checkbox"/>       |
| e. Commercial <input type="checkbox"/>              | j. Other <input type="checkbox"/>      |

7. State the final maximum surface gradient(s) (slope) in soil, sand, or other unconsolidated materials on reclaimed land. Surface gradients steeper than 3H:1V (18 degrees or 33 percent) may be required to submit geotechnical data and studies to demonstrate that the steeper slopes will remain stable following final reclamation.

3H:1V

8. How will the final slopes in unconsolidated material be accomplished? If the slope will be by backfilling, demonstrate that there is adequate material to accomplish the stated final gradient. If gradient is to be achieved by bringing in material from outside the permitted area, state the nature of the material and approximate quantities. If the gradient is to be achieved by grading, show that there is adequate area for grading to achieve gradient (i.e., adequate distance between the property line and edge of highwall). Operator should show calculations or other appropriate information to demonstrate that there is adequate materials in backfilling and grading to meet the requirements for final slope.

Final grading will be accomplished using the on-site overburden along pond edges. The overburden location will be located adjacent to the mine.

9. Describe the plan for revegetation or other surface treatment of affected area(s). The revegetation plan shall include but not be limited to the following: (a) planned soil test; (b) site preparation and fertilization; (c) seed or plant selection; (d) rate of seeding or amount of planting per acre; (e) maintenance.

(a) This proposed site is located in close proximity to other past mine/pond sites. This site is very similar to other sites in elevation, soil type and sand deposits. No formal testing is planned because we anticipate a soil pH of approximately 7 as occurred on other sites.

(b) Site preparation will consist mainly of grading and dragging along the pond edge. No additional fertilization is planned, due to expected pH and lime content of the soil.

(c) Other reclaimed mine sites in the area have revegetated naturally. Local indigenous plant species provide an excellent ground cover within reclamation time-tables. Sparse growth areas will be planted with acceptable reclamation species such as rye grass and brown top millet.

(d) Abruzzi rye grass - 1.1 lbs. per 100 sq. ft., brown top millet- 10 lbs. per acre.

(e) No specific maintenance is expected.

10. Provide, as a separate document, a closure plan of the mine and permitted facilities to prevent a release of contaminants from being harmful to the environment. A closure plan is not necessary for all mines, but is required where the possibility exists for (a) acid rock drainage; (b) where the National Pollutant Discharge Elimination Systems (NPDES) Permit has discharge limitation parameters other than pH and Total Suspended Solids (TSS); (c) chemically treated tailings or stockpiles (excludes fertilizer or lime for revegetation purposes).

N/A

11. Method of control of contaminants and disposal of mine waste soil, rock, mineral, scrap, tailings, slimes, and other material directly connected with the mining, cleaning, and preparation of mineral substances mined and includes all waste materials deposited on or in the permit area from any source.  
There will be no contaminants, waste soil, rock, minerals, scrap or slime produced that will necessitate disposal.

12. Method of reclaiming settling and/or sediment ponds.

The sediment pond will be reclaimed at the completion of mining operations following the same parameters listed in this document for the mine.

13. Describe method of restoration or establishment of stream channels, stream banks and site drainage to a condition minimizing erosion, siltation and other pollution.

Water will sheet flow from the sedimentation pond into the adjacent wetland. Rip-rap and silt fencing layers will be established between the sediment pond and wetland in order to prevent erosion and sediment deposit associated with the flow.

14. What are the maintenance plans to insure that the reclamation practices established on the affected land will not deteriorate before released by the Department?

Natural vegetation will be used as primary ground cover with additional planting in sparse growth areas. With this planting/reclamation scheme it is unlikely that there will be any deterioration before release.

15. For final reclamation, submit information about practices to provide for safety to persons and to adjoining property in all excavations. Identify areas of potential danger (vertical walls, unstable slopes, unstable surface on clay slimes, etc.) and provide appropriate safety provisions. These provisions can include but are not limited to setbacks, fencing,

There are no direct adjacent residential properties. The proposed site is bounded by Bulls Island Road to the north and forested tracts on other sides. The only public exposure to the site is along Bulls Island Road. Public access to the site will be restricted by the 50' buffer and a locked gate at the site access road.

16. What provisions will be taken to prevent noxious, odious, or foul pools of water from collecting and remaining on the mined area? For mines to be reclaimed as lakes or ponds, provide supporting information that a minimum water depth of four (4) feet on at least fifty percent (50%) of the pond surface area can be maintained.

An existing pond adjacent to the proposed mine site has a consistent depth of at least 8 feet. Random explorations within the proposed site have produced similar results, with some areas exceeding that depth. Deposition depth within the proposed mine site will be greater than or equal to eight feet.

17. Identify any structures (e.g. buildings, roads) that are proposed to remain as part of final reclamation. Provide justification for leaving any structures.

No structures will remain.

18. Attach two (2) copies of a map of the area (referred to as the RECLAMATION MAP) that shows the reclamation practices and conservation practices to be implemented. The following should be shown:

- A. The outline of the proposed final limits of the excavation during the number of years for which the permit is requested.
- B. The approximate final surface gradient(s) and contour(s) of the area to be reclaimed. This would include the sides and bottoms of mines reclaimed ponds and lakes.
- C. The outline of the tailings disposal area.
- D. The outline of disposal areas for spoil and refuse (exclusive of tailings ponds).
- E. The approximate location of the mean shore line of any impoundment or water body and inlet and/or outlet structures which will remain upon final reclamation.
- F. The approximate locations of access roads, haul roads, ramps or buildings which will remain upon final reclamation.
- G. The approximate locations of various vegetative treatments.
- H. The proposed locations of re-established streams, ditches or drainage channels to provide for site drainage.
- I. The proposed locations of diversions, terraces, silt fences, brush barriers or other Best Management Practices to be used for preventing or controlling erosion and off-site siltation.
- J. Proposed locations of the measures to provide safety to persons and adjoining property.
- K. Segments of the mine that can be mined and reclaimed as an ongoing basis.
- L. The boundaries of the permitted area.
- M. The boundaries of the affected area for the anticipated life of the mine.
- N. The boundaries of the 100-year floodplain, where appropriate.
- O. Identify sections of mine where the final surface gradient will be achieved by grading and/or backfilling.
- P. A legend showing the name of the applicant, the name of the proposed mine, the north arrow, the county, the scale, the date of preparation and the name and title of the person who prepared the map.

THE REQUIRED RECLAMATION MAP SHALL HAVE A NEAT, LEGIBLE APPEARANCE AND BE OF SUFFICIENT SCALE TO CLEARLY SHOW THE REQUIRED INFORMATION LISTED ABOVE. THE BASE FOR THE MAP SHALL BE EITHER A SPECIALLY PREPARED LINE DRAWING, AERIAL PHOTOGRAPH, ENLARGED USGS TOPOGRAPHIC MAP OR A RECENTLY PREPARED PLAT. RECLAMATION MAP SHOULD BE THE SAME SCALE USED FOR THE SITE MAP.

#### IV. SCHEDULE FOR IMPLEMENTATION OF CONSERVATION AND RECLAMATION PRACTICES

19. As stated in Section 48-20-90 of the S.C. Mining Act, reclamation activities, to the extent feasible, must be conducted simultaneously with mining operations. Identify which areas or segments of the mine are not feasible to reclaim simultaneously with mining. Provide reasons why reclamation can not proceed simultaneously with mining in these areas.
- Reclamation activities will be conducted simultaneously with mining operations.

- ### SCHEDULE FOR IMPLEMENTING CONSERVATION AND RECLAMATION PRACTICES

DHEC 3103 (03/1994) Page 5 Permit No. \_\_\_\_\_

YOU ARE NOTIFIED THAT:

- 1) You, the operator, must file an application to modify the reclamation plan in the event actual reclamation varies from the set forth hereinabove; and
- 2) If at any time it appears to the Department that the activities under the reclamation plan are failing to achieve the purposes and requirements of the S.C. Mining Act, the Department may modify the RECLAMATION PLAN in accordance to Section 48-20-150.

Kenny L. O. Smith Jr  
Signature of Applicant/Operator or his Authorized Representative

Kenny L. O. Smith Jr  
Printed Name of Applicant/Operator or his Authorized Representative

President  
Title

11/25/14  
Date

**Department Use Only**

Permit No.: \_\_\_\_\_ Date Application Approved: \_\_\_\_\_ Date Bond Rec'd: \_\_\_\_\_

Bond Amount: \_\_\_\_\_ Blanket or Single Bond: \_\_\_\_\_ Permit Issuance Date: \_\_\_\_\_

**ACTION TAKEN ON THIS RECLAMATION PLAN**

\_\_\_\_\_ Approved \_\_\_\_\_ Denied \_\_\_\_\_ Approved with Additional Terms and Conditions

By: \_\_\_\_\_  
DIVISION DIRECTOR

Date: \_\_\_\_\_





**DHEC OCRM State Coastal Zone Consistency (CZC) Certification  
Request Form**

**Project Name:** White Mine

**Applicant Information:**

Contact Name Murray Sand Company, c/o Mr. Laddie Smith  
Address 156 Checkerboard Road, Summerville, SC 29483  
Phone # 843-696-6099  
E-mail laddie@murraysand.com

**Agent/Engineer Information:**

Contact Name Kenneth Smoak, Sabine & Waters, Inc.  
Address PO Box 1072, Summerville, SC 29483  
Phone # 843-871-5383  
E-mail ksmoak@sabinc.net

**Site details:**

Location/Address: Bulls Island Road (S-10-1170) Awendaw, SC

County: Charleston County

TMS: 644-00-00-023, -026, and -030.

**Type of Permit Requested:**

(ex. Landfills, Mining, Wastewater, etc.)

MR400 - Individual Mining Permit - Enclosed

**Name of Permitting Authority(s):**

(ex. DHEC Bureau of Water)

SCDHEC Bureau of Land and Waste Management  
Division of Mining

**Description of Proposed Activity(s):**

● *including total disturbed area, name of and distance to nearest waterbody, and onsite non-jurisdictional wetland impacts and acreage.*

A mine site to extract fill materials, e.g. sand and top soil, initially within a 7.9-acre area identified as Segment 1.

Upon completion of Segment 1, the applicant plans to continue mining on areas within parcel -026 and -030.

Before moving to these areas, a wetland delineation and verification with U.S. Army Corps of Engineers must be

completed. Surveyed wetland features will be sent in for review in order to complete OCRM Consistency Zone Certification. The closest water body is Sewee Bay approximately 7500 feet east of the site. Surface water discharge will flow from the Segment 1 sediment pond, through a series of freshwater wetland features, eventually terminating in

Sewee Bay. No wetland impacts are associated with Segment 1, nor are any expected once mining operations move to the future reserve areas.

All applicable Project Policy Checklist(s) that apply to the proposed project must be submitted with this request form.  
(See [www.scdhec.gov/environment/ocrm/czc](http://www.scdhec.gov/environment/ocrm/czc) for available Policy Checklists)

Submitted By: Kenneth Smoak Date: March 06, 2015

As applicant or agent, having completed all appropriate checklists and having read the applicable policies, I certify that this project is consistent with the South Carolina Coastal Zone Management Program based on the information outlined above and supplemental information attached.

\_\_\_\_\_  
Signature and date

**B. Forestry**

**Required: Will your proposed forestry operation project or plans...**

- |  |
|--|
| a) <input type="checkbox"/> encourage good forest management practices in order to maintain a supply of good quality timber into the future while protecting other forest values?<br><br><input type="checkbox"/> or is this N/A?  |
| b) <input type="checkbox"/> avoid the disruption of salt, brackish or freshwater marshes for drainage or access ways where no feasible alternatives exist or provide mitigation measures as identified in the policies for each related activity? Explain the feasible alternatives that will be implemented in the summary section below.<br><br><input type="checkbox"/> or is this N/A? |
| c) <input type="checkbox"/> encourage erosion control methods for all phases of timber operations in order to reduce excessive erosion and sedimentation and avoid disruption to hydrologic cycles?<br><br><input type="checkbox"/> or is this N/A?  |
| d) <input type="checkbox"/> include any onsite processing of timber products consistent with the Manufacturing Policies contained in Chapter IV of the CZMP?<br><br><input type="checkbox"/> or is this N/A?   |
| e) <input type="checkbox"/> be consistent with the Priority of Uses of each listed Geographic Areas of Particular Concern (GAPCs) as discussed in the Geographic Areas of Particular Concern (GAPCs) Policies and Priority of Uses document located on the Resources section of the CZC webpage?<br><br><input type="checkbox"/> or is this N/A?   |

*Recommended policies to be considered for forestry project in the Coastal Zone:*

- a. Timber harvesting should be carried out in such a manner as to minimize effects on and protect soils, watersheds, aesthetics, wildlife, and recreational values. If damage does occur, restoration plans should be developed and carried out within a reasonable time;*
- b. Local land use plans should include retaining prime forest areas for sustained timber productivity in the future.*

**Required:**

As applicant or agent, having completed all appropriate checklists and having read the applicable policies, I certify that this project is consistent with the South Carolina Coastal Zone Management Program based on the information outlined above and supplemental information attached.

\_\_\_\_\_  
Signature and date



C. Mineral Extraction (Mining)

**Required:** Will your mining activity project or plans...

- |   |
|---|
| a) <input checked="" type="checkbox"/> require applicants for mining permits must submit an approved reclamation plan as required by the Agency's Mining and Reclamation Section under the S.C. Mining Act?<br><br><input type="checkbox"/> or is this N/A?   |
| b. <input checked="" type="checkbox"/> exclude dredge or strip mining operations in wetland areas unless no feasible alternatives exist and the benefits of mining outweigh the adverse impacts and is consistent with the Dredging Policies contained in Chapter VIII of the CZMP?<br><br><input type="checkbox"/> or is this N/A?                         |
| c. <input checked="" type="checkbox"/> prevent direct stormwater discharge from upland sites into adjacent wetlands or water bodies to minimize negative impacts on water quality that includes the use of vegetated buffer areas, silt curtains or other erosion or sedimentation control methods?<br><br><input type="checkbox"/> or is this N/A?         |
| d. <input checked="" type="checkbox"/> be consistent with the Priority of Uses of each listed Geographic Areas of Particular Concern (GAPCs) as discussed in the Geographic Areas of Particular Concern (GAPCs) Policies and Priority of Uses document located on the Resources section of the CZC webpage?<br><br><input type="checkbox"/> or is this N/A? |

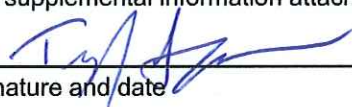
*Recommended policies to be considered for mineral extraction project in the Coastal Zone:*

- a. *Provision of scenic buffer areas around active mining sites;*
- b. *That study of mineral resources be made before land is committed to development, and those areas found to contain significant mining resources be identified in local land use plans.*

**Required:**

As applicant or agent, having completed all appropriate checklists and having read the applicable policies, I certify that this project is consistent with the South Carolina Coastal Zone Management Program based on the information outlined above and supplemental information attached.

Signature and date



10/6/14

D. **Manufacturing**

**Required: Will your manufacturing activity project or plans...**

- a. ☐ require the facility to be located on the waterfront based on an activity that would benefit from being located on shorefront areas unless there are no feasible alternatives?

☐ or is this N/A?

- b. ☐ exclude the filling or other permanent alteration of productive fresh, brackish and saltwater wetland areas unless no feasible alternatives exist and any substantial environmental impact can be minimized?

☐ or is this N/A?

- c. ☐ be consistent with the Priority of Uses of each listed Geographic Areas of Particular Concern (GAPCs) as discussed in the Geographic Areas of Particular Concern (GAPCs) Policies and Priority of Uses document located on the Resources section of the CZC webpage?

☐ or is this N/A?

- d. ☐ (for filling, ditching, clearing, or excavation of wetlands) demonstrate mitigation sites or practices to offset the losses of wetlands consistent with the Division's Mitigation Guidelines? The types of mitigation include wetland buffers, creation of wetlands, and restoration of existing wetlands, offsite mitigation, and mitigation banking. Provide a summary of mitigation details on an attached document.

☐ or is this N/A?

- e. ☐ reduce erosion and sedimentation and limit the impacts from direct stormwater discharge into adjacent water bodies and wetlands by designing manufacturing operations away from sensitive areas by demonstrating the following means of reducing these problems and use of these methods where appropriate:

- i. provide a buffer of natural vegetation between the facility and any wetland by utilizing a sufficient visual screen, a noise buffer, a purification system for stormwater runoff, or a protective area for more ecologically sensitive shoreline areas, especially fringing wetlands;
- ii. control stormwater runoff, soil erosion, and accidental placement of sediments in wetland areas during site preparation;
- iii. employ the use of permeable surfaces in parking lots and bulk storage areas to provide water recharge areas and minimize the effects of stormwater runoff;
- iv. retain open space or natural (undisturbed) areas around manufacturing sites as buffer zones and recharge areas?

☐ or is this N/A?

- f. ☐ avoid or minimize the disruption of wetlands by locating the industrial facility where waste discharges present the least ecological threat particularly in areas with good tidal flushing and water circulation and along watercourses with relatively low water quality classifications? (The goal is to meet applicable water quality and effluent limitation standards of the EPA and DHEC, under the National Pollution Discharge Elimination System (NPDES), Sections 401 and 402 of the Federal Water Pollution Control Act (PCA) Amendments.)

☐ or is this N/A?

g. ☐ meets applicable State and Federal air pollution standards and controls, as based on the National Clean Air Act, as amended?

☐ or is this N/A?

h. ☐ consider groundwater resources utilization either in the processing or effluent discharge stages of the production process by:

- i. meeting existing standards and/or management programs of the Agency's BOW Groundwater Permitting;
- ii. prevent saltwater intrusion and land subsidence, to the extent feasible;
- iii. provide natural vegetated areas on the site where aquifer recharge can occur to mitigate the impacts of groundwater withdrawals, where feasible?

☐ or is this N/A?

i. ☐ meet applicable flood plain management and construction requirements based on the Federal Flood Insurance Program when located in flood zone areas?

☐ or is this N/A?

j. ☐ be designed so that the facility is located on maintained channels (to the maximum extent feasible) to reduce the need for dredging of new channels for new water-dependent industries?

☐ or is this N/A?

k. ☐ include docks or piers and berthing facilities associated with the manufacturing activity that minimize possible negative impacts?

☐ or is this N/A?

*Recommended policies to be considered for manufacturing projects in the Coastal Zone:*

- a. *Siting of industrial plants where they are served by existing transportation infrastructure, i.e. roads and highways, rail, ports and airports;*
- b. *Development of local plans which direct manufacturing growth into areas committed to industrial use where services can be most readily provided;*
- c. *Development of local plans which encourage comprehensive-type industrial parks, to facilitate well planned, well-managed manufacturing and industrial centers that promote the advantages of locating in the State;*
- d. *Encouraging manufacturing that will provide significant new employment opportunities for coastal residents;*
- e. *Considerations for minimizing noise and aesthetic impacts of manufacturing activities;*
- f. *Considerations for allowing limited public access to the buffer zone as a recreational area.*

**Required:**

As applicant or agent, having completed all appropriate checklists and having read the applicable policies, I certify that this project is consistent with the South Carolina Coastal Zone Management Program based on the information outlined above and supplemental information attached.

\_\_\_\_\_  
Signature and date

E. **Fish and Seafood Processing**

**Required: Will your fish and seafood processing project or plans...**

a.	<input type="checkbox"/> meet applicable State and Federal water quality standards for drainage or discharge from the proposed seafood packing or processing operations?  <input type="checkbox"/> or is this N/A?
b.	<input type="checkbox"/> comply with policies for docks/piers and dredging/filling, where applicable?  <input type="checkbox"/> or is this N/A?
c.	<input type="checkbox"/> be consistent with the Priority of Uses of each listed Geographic Areas of Particular Concern (GAPCs) as discussed in the Geographic Areas of Particular Concern (GAPCs) Policies and Priority of Uses document located on the Resources section of the CZC webpage?  <input type="checkbox"/> or is this N/A?
d.	<input type="checkbox"/> avoid significant adverse impacts on salt, brackish or freshwater wetlands, to the extent feasible unless no feasible alternatives exist and the public benefits outweigh the adverse impacts. Explain the feasible alternatives that will be implemented in the summary section below.  <input type="checkbox"/> or is this N/A?
e.	<input type="checkbox"/> provide for adequate facilities for proper handling of sewage, litter and other waste products along the seafood processing docking areas?  <input type="checkbox"/> or is this N/A?
f.	<input type="checkbox"/> comply with the Agency's BoW and U.S. Coast Guard in the discharge of water used to pump out the holds of fishing vessels so that water quality is not unnecessarily degraded?  <input type="checkbox"/> or is this N/A?

*Recommended policies to be considered for fish and seafood processing projects in the Coastal Zone:*

- a. *Consideration should be given to the utilization of fish wastes or by products for meal or fertilizers.*

**Required:**

As applicant or agent, having completed all appropriate checklists and having read the applicable policies, I certify that this project is consistent with the South Carolina Coastal Zone Management Program based on the information outlined above and supplemental information attached.

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Signature and date

F. **Aquaculture**

**Required: Will your aquaculture operation project or plans...**

- |  |
|--|
| a. <input type="checkbox"/> avoid the impoundment of previously undisturbed, productive salt, brackish or freshwater wetlands for aquaculture where other feasible alternatives exist?<br><br><input type="checkbox"/> or is this N/A?   |
| b. <input type="checkbox"/> demonstrate compliance with applicable State and Federal water quality standards for discharge or drainage?<br><br><input type="checkbox"/> or is this N/A?  |
| c. <input type="checkbox"/> consider the value and yield which is anticipated from the project weighed against any environmental damage, such as loss of habitat from impounded areas?<br><br><input type="checkbox"/> or is this N/A?   |
| d. <input type="checkbox"/> include an acceptable operations management plan?<br><br><input type="checkbox"/> or is this N/A?  |
| e. <input type="checkbox"/> be consistent with the Priority of Uses of each listed Geographic Areas of Particular Concern (GAPCs) as discussed in the Geographic Areas of Particular Concern (GAPCs) Policies and Priority of Uses document located on the Resources section of the CZC webpage?<br><br><input type="checkbox"/> or is this N/A? |

*Recommended policies to be considered for aquaculture projects in the Coastal Zone:*

- a. *Encouraging research efforts for "passive aquaculture" as opposed to use of artificial impoundments including:*
- i. *fixed structure aquaculture for example, setting supports and lines. This should be limited to open water areas where they can be placed on the periphery and not interfere with navigation;*
  - ii. *tray culture for shellfish;*
  - iii. *penning areas for soft shell crabs;*
  - iv. *trap culture for fish;*
  - v. *bottom culture, to avoid navigational problems;*
  - vi. *"agrarian" approaches, such as mechanized harvesters, seed beds, and restocking.*

**Required:**

As applicant or agent, having completed all appropriate checklists and having read the applicable policies, I certify that this project is consistent with the South Carolina Coastal Zone Management Program based on the information outlined above and supplemental information attached.

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Signature and date





REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**CHARLESTON DISTRICT, CORPS OF ENGINEERS**  
69A Hagood Avenue  
CHARLESTON, SOUTH CAROLINA 29403-5107

February 6, 2014

Regulatory Division

Mr. Tyler Sgro  
Sabine and Waters, Inc.  
P. O. Box 1072  
Summerville, South Carolina 29484

Dear Mr. Sgro:

This is in response to your letter received November 14, 2013, requesting a **wetland determination**, on behalf of Mr. Lewis White, for 15.917 acre tract located on the southwest corner of the intersection of Seewee Road and Bulls Island Road in the Town of Awendaw, Charleston County, South Carolina. The project area is depicted on the survey plat you submitted which was prepared by Robert Frank Surveying, dated January 21, 2014; revised February 3, 2014, and entitled "A Project Area Survey on the Southwestern Portion of the Lands of Lewis and Amy White Family Partnership, Located in the Town of Awendaw Charleston County, South Carolina".

Based on an on-site inspection and a review of aerial photography and soil survey information, it has been determined that the referenced property does not contain any wetland areas or other waters of the United States and, as such, Department of the Army authorization will not be required for mechanized land clearing, excavation, or the placement of dredged or fill material on this site.

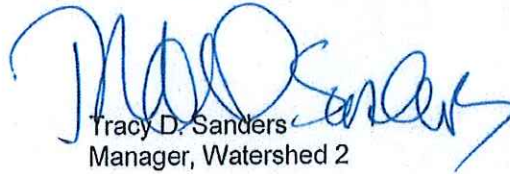
Please be advised that this determination is valid for five (5) years from the date of this letter unless new information warrants revision of the delineation before the expiration date. All actions concerning this determination must be complete within this time frame, or an additional delineation must be conducted. For the purposes of 33 CFR 331.2, this is considered to be an approved jurisdictional determination.

This delineation/determination has been conducted to identify the limits of U. S. Army Corps of Engineers (COE) Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

In future correspondence concerning this matter, please refer to SAC-2006-2640-2JY. A copy of this letter is being forwarded to the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management for their information.

If you have any questions concerning this matter, please contact David Chamberlain at 843-329-8044 or toll free at 1-866-329-8187.

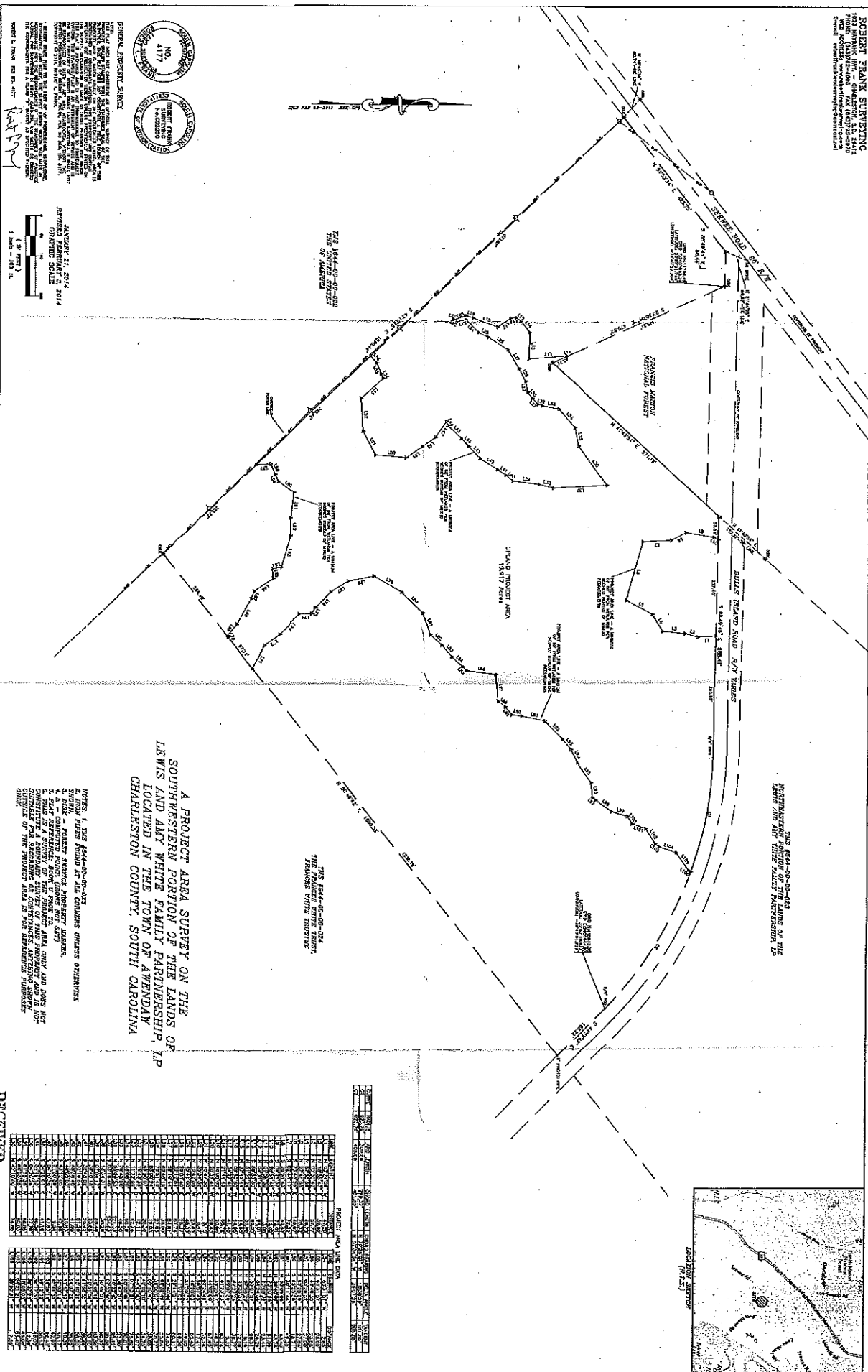
Respectfully,

  
Tracy D. Sanders  
Manager, Watershed 2

Enclosure:  
Basis for Jurisdiction

Copy Furnished:

South Carolina Department of Health  
and Environmental Control  
Office of Ocean and Coastal  
Resource Management  
1362 McMillan Avenue, Suite 400  
Charleston, South Carolina 29405



Oct 9 9 2014  
DIVISION OF WASTE &  
SOLID WASTE MANAGEMENT  
BIRMINGHAM



# Town of Awendaw

## Planning Department

PO Box 520 Awendaw, SC 29429 phone 843-928-4204 fax 843-928-3713 [planning.awendaw@tds.net](mailto:planning.awendaw@tds.net)

March 4, 2014

To Whom It May Concern:

On May 7, 2012, the Town of Awendaw Board of Zoning Appeals granted a Special Exception for resource extraction on the land known as the White Tract, TM# 644-00-00-023,025 and 026 (209 acres). The Order for this decision is attached.

Sincerely,



Jody Muldrow

Planning Administrator

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**TOWN OF AWENDAW BOARD OF ZONING APPEALS  
FINAL DECISION AND ORDER ON SPECIAL EXCEPTION APPLICATION NO. 1205-01**

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Date of Hearing: May 7, 2012

The Board of Zoning Appeals (BZA) held a public hearing on May 7, 2012, to consider Applicant Richard White ("Applicant") request for a Special Exception to allow resource extraction on property identified as TMS# 644-00-00-023, 025 and 026, White Tract (209.4 acres). The Applicant's Special Exception request must be evaluated by criteria of Sections 4.1.1 and 4.1.38 of the Awendaw Zoning Ordinance.

**FINDINGS OF FACT:**

The BZA finds that the notice of this hearing was published in the News and Courier, a widely circulated newspaper in Charleston County, on April 21, 2012. Notice was also mailed to property owners within 300 feet of the Special Exception property.

The Applicant is requesting approval from the BZA to undertake the necessary engineering activities to acquire a valid permit from the South Carolina Land Resources Conservation Commission. Upon the commission's approval, the applicant shall present a detailed plan to the BZA for approval. At this time the owner submits these restrictions: 1. Hours of operation shall be from 7 AM to 6 PM; 2. Natural buffers will be used for screening the operations if they are within sight of a road or adjacent property owner; 3. Truck access points will be limited to the fewest possible feasible points on Bulls Island Road and Seewee Road, and; 4. Mining will not be allowed within 300 feet of any adjacent property owners primary residence.

The Applicant is requesting approval of the use prior to applying to the state and expending potentially tens of thousands of dollars on detailed studies as required by the state. The intention is to gain use approval from the BZA, then to conduct engineering studies etc. that will help determine where eventual ponds should be located. Once a plan is developed and approved by the state, the applicant will return to the BZA for final operational requirements and site plan approval. At that time, the BZA will be able to place additional limitations on the activity.

In examining this application, The Board evaluated it by standard criteria of Section 4.1.1 of the Zoning ordinance: access, noise, screening lighting, compatibility with adjoining uses and traffic generation. Since this is proposed as a preliminary review and preliminary approval, additional requirements may be placed on the applicant after detailed studies are submitted to the town.

1. **Access.** The applicant has proposed that all trucks entering the property use Seewee and Bulls Island Road through a minimal number of access points. The exact locations will be determined after further studies are conducted to determine where the operations occur.

2. **Noise.** It is projected that mining will occur in the interior of the property away from surrounding residential areas.

The proposed mining will be limited to set hours of operation with the workday to begin no earlier than 7AM and end no later than 6PM.

3. **Screening.** The applicant has proposed to leave an undisturbed, natural buffer for screening the operations if they are within sight of a road or adjacent property owner. The town should wait to determine the required buffers until further studies have been conducted by the applicant to determine where the mining will occur. It is expected that mining will occur in the interior of the property away from surrounding residential areas.

4. **Lighting.** Since all activity will occur during daytime, no lighting will be permitted;
5. **Traffic Generation.** Since there is no data yet on the amount of truck activity anticipated, the town should wait to review the state permit to determine what mitigation may be needed.
6. **Compatibility with Adjoining Uses.** The proposed mining activity is requested on a 209 acre tract. The concept of removing dirt to create ponds that will be environmental features weather the property is developed into a residential community or not is appropriate. Theses water features can actually help to create habitats and be designed to help manage storm water runoff.

In examining this application further, The Board evaluated it by standard criteria of Section 4.1.38 of the Zoning ordinance. Per Section 4.1.38 Resource Extraction, the applicant is required to obtain a valid permit from the State of South Carolina Land Resources Conservation Commission before getting final Special Exception approval from the BZA. Before final approval of a Special Exception for a Resource Extraction use, the applicant shall show proof of a valid permit from the State of South Carolina Land Resources Conservation Commilssion. The Board of Zoning Appeals may, on a case-by-case basis, also require that the excavation area be screened, that a drainage plan be submitted and approved for the restoration of the site when excavation has been completed. When approval by the Board of Zoning Appeals has been granted to the applicant, the Planning Department will provide locator data by tax map data to the Environmental Health section of the Charleston County Health Department as well as to the Mosquito Abatement section of the Public Works Department.

Examining these factors, the BZA finds that given the expenses for the required studies for the state permit, the applicant would be irresponsible to proceed to the state for permitting without preliminary approval from the Town. Meantime, it would be prudent of the Town to only grant use approval at this time so that the more detailed studies may be conducted and then be properly reviewed and shared with the community and mitigated through the powers of the BZA as needed upon final review.

Additionally, the BZA finds that granting approval of the mining use on this property would provide a certain level of assurance for the owner so that they may then proceed to develop more detailed studies as required by the state. Upon approval from the state, the applicant will return to the BZA for final approval of detailed site plans and operations with all of the detailed studies submitted to the Town in a timely manner so they may be made available to the public prior to the BZA meeting.

Moreover, the BZA finds the approval of the resource extraction use will not be contrary or detrimental to the public health, safety or welfare of the Town of Awendaw provided that above steps are taken by the Applicant.

#### CONCLUSIONS OF LAW:

The notice of this hearing compiled with Sec. 6-29-790 of the Code of Laws of South Carolina, 1976, as amended.

Pursuant to Sec. 6-29-800 of the Code of Laws of South Carolina, 1976, as amended, and Sec. I.3.3(2) of the Town of Awendaw Zoning Ordinance, the BZA is authorized to hear and decide applications for Special Exceptions.

The Applicant has met their burden of proof in complying with the Town of Awendaw Zoning Ordinance. All members present voted in favor of granting the Applicant's request for a Special Exception for the use of the property for resource extraction with the following stipulations:

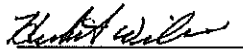
1. Applicant must obtain approval by the State of S.C.
2. Upon approval from the state, the applicant must return to the BZA for final approval of detailed site plans and operations with all of the detailed studies submitted to the Town in a timely manner so they may be made available to the public prior to the BZA meeting.

THEREFORE, IT IS ORDERED the Applicants' request for a Special Exception for the use of the property for resource extraction compiles with the Town of Awendaw Zoning Ordinance with conditions stated above, and is hereby approved.

AND IT IS SO ORDERED.

Any person with a substantial interest may appeal the Board of Zoning Appeals' decision to the Circuit Court of Charleston County within 30 calendar days after the decision is mailed.

TOWN OF AWENDAW  
BOARD OF ZONING APPEALS



Herbert Wilson  
BZA Chairman

Date issued: 2/28/13

Date mailed to parties of interest: 2/28/13